

21 C.J.S. Courts § 137

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Courts

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IV. Terms and Sessions

B. Terms

1. In General

§ 137. Legislative power to regulate terms

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Subject to constitutional limitations, the legislature may regulate and control terms of court and fix or change the times at which they are to be held, or it may delegate this power to courts, judges, or other boards or officers.

Within certain limits and reasonable bounds, the legislature may regulate and control the terms of courts,¹ but to insure the survival and independence of the judiciary, that authority is necessarily subject to limitations.² It is within the power of the legislature to fix the times at which the regular terms of courts are to be held,³ subject to constitutional requirements and limitations.⁴ However, this authority may be delegated to the courts or its judges or commissioners appointed for that purpose.⁵

Change of term.

In the absence of constitutional prohibition, and subject to constitutional limitations, the legislature may change the terms of a court,⁶ repeal a statute that fixes terms,⁷ or, if it has delegated authority to a court or judge to fix terms, withdraw the authority or supersede the order of the court or judge.⁸

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Footnotes

- 1 Tex.—Citizens State Bank of Frost v. Miller, 115 S.W.2d 1183 (Tex. Civ. App. Waco 1938).
- 2 Pa.—Shenker v. Harr, 332 Pa. 382, 2 A.2d 298 (1938).
- 3 Okla.—State ex rel. Jones v. Presson, 1938 OK 120, 182 Okla. 147, 77 P.2d 38 (1938).
- 4 Fla.—Mack v. Carter, 133 Fla. 313, 183 So. 478 (1938).
- 5 Okla.—State ex rel. Jones v. Presson, 1938 OK 120, 182 Okla. 147, 77 P.2d 38 (1938).
- 6 Mo.—Rhodes v. Bell, 230 Mo. 138, 130 S.W. 465 (1910).
- 7 U.S.—U.S. v. Todar, 41 F.2d 146 (C.C.A. 7th Cir. 1930).
- 8 Okla.—State ex rel. Jones v. Presson, 1938 OK 120, 182 Okla. 147, 77 P.2d 38 (1938).

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